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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

<b>Application Number</b>	10/650,189		
	<b>Filing Date</b>	August 27, 2003	
	<b>First Named Inventor</b>	Leung, A.	
	<b>Group Art Unit</b>	2171	
	<b>Examiner Name</b>	Unassigned	
<b>Total Number of Pages in This Submission</b>	5	<b>Attorney Docket Number</b>	021154-000510US

## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1) Return receipt postcard 2) PTO/SB/08A and PTO/SB/08B forms 3) Five (5) references
<b>Remarks</b>		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430. Total number of pages <u>does not</u> include cited references.

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

<b>Firm and Individual name</b>	Townsend and Townsend and Crew LLP Sujit B. Kotwal	<b>Reg No.</b> 43,336
<b>Signature</b>	S. B. Kotwal	
<b>Date</b>	May 10, 2004	

## CERTIFICATE OF MAILING

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<b>Typed or printed name</b>	Christopher R. Fitting		<b>Date</b>	May 11, 2004
<b>Signature</b>				

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PATENT  
Attorney Docket No.: 021154-000510US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

ALBERT LEUNG et al.

Application No.: 10/650,189

Filed: August 27, 2003

For: TECHNIQUES FOR BALANCING  
CAPACITY UTILIZATION IN A  
STORAGE ENVIRONMENT

Examiner: Unassigned

Art Unit: 2171

SUPPLEMENTAL INFORMATION  
DISCLOSURE STATEMENT UNDER 37  
CFR §1.97 and §1.98

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The references cited on the attached PTO/SB/08A and PTO/SB/08B forms are being called to the attention of the Examiner. Copies of references AY-BC are enclosed. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information, and no inference should be made that the information and references cited are, or are considered to be material to patentability because they are in this statement. No inference should be made that the information and references cited are prior art merely because they are in this statement.

Applicant believes that no fee is required for submission of this statement.

However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,

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60211592 v1

MAY 13 2004

PTO/SB/08A (08-03)

Substitute for form 1449 <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary)			<b>Complete if Known</b>		
			Application Number	10/650,189	
			Filing Date	August 27, 2003	
			First Named Inventor	Leung, Albert	
			Art Unit	2171	
			Examiner Name	Unassigned	
Sheet	1	of	2	Attorney Docket Number	021154-000510US

U.S. PATENT DOCUMENTS+					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Kind Code <sup>2</sup> (if known)			
	AA	US-6,519,637	02-11-2003	Arkeketa, et al.	
	AB	US-6,493,756	12-10-2002	O'Brien, et al.	
	AC	US-6,460,070	10-01-2002	Turek, et al.	
	AD	US-6,453,325	09-17-2002	Cabrera et al.	
	AE	US-6,366,988	04-02-2002	Skiba et al.	
	AF	US-6,339,793	01-15-2002	Bostian et al.	
	AG	US-6,330,572	12-22-2001	Sitka	
	AH	US-6,269,382	07-31-2001	Cabrera et al.	
	AI	US-6,154,817	11-28-2000	Mohan et al.	
	AJ	US-6,038,379	03-14-2000	Fletcher et al.	
	AK	US-6,035,373	03-07-2000	Iwata	
	AL	US-5,991,753	11-23-1999	Wilde	
	AM	US-5,933,603	08-03-1999	Vahalia et al..	
	AN	US-5,798,766	08-25-1998	Hayashi et al.	
	AO	US-5,778,395	07-07-1998	Whiting et al.	
	AP	US-5,689,681	11-18-1997	Petersen	
	AQ	US-5,606,689	02-25-1997	Nakagawa	
	AR	US-5,506,986	04-09-1996	Healy	
	AS	US-5,485,606	01-16-1996	Midgley et al.	
	AT	US-5,202,982	04-13-1993	Gramlich et al.	
	AU	US-5,131,087	07-14-1992	Warr	
	AV	US-5,063,523	11-05-1991	Milan J. Vrenjak	
	AW	US-2002/0174139	11-21-2002	Midgley et al.	
	AX	US-2001/0037475	11-01-2001	Bradshaw et al.	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (If known)				
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60211592 v1

Substitute for form 1449B/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	10/650,189
				Filing Date	August 27, 2003
				First Named Inventor	Leung, Albert
				Art Unit	2171
				Examiner Name	Unassigned
Sheet	2	of	2	Attorney Docket Number	021154-000510US

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	AY	BHATTACHARYA et al., "Coordinating Backup/Recovery and Data Consistency Between Database and File Systems," <i>Procs. 2002 ACM SIGMOD Int. Conf. on Management of Data</i> , pgs. 500-511 (2002).	
	AZ	HSM For NetWare- White Paper: A Guide to Hierarchical Storage Management from <a href="http://support.ca.com/techbases/hsm/HSMWhitePaper.html">http://support.ca.com/techbases/hsm/HSMWhitePaper.html</a> visited on 01/10/2003.	
	BA	POWERS, et al. (July 1999). "Complementing AS/400 Storage Management Using Hierarchical Storage Management APIs, A Practical Approach to AS/400 Storage Management," International Technical Support Organization, from <a href="http://www.redbooks.ibm.com/pubs/pdfs/redbooks/sg244450.pdf">http://www.redbooks.ibm.com/pubs/pdfs/redbooks/sg244450.pdf</a> visited on 01/10/2003	
	BB	SafeCapacity™ User's Manual Version 2.14 (01/01/2002) Solution-Soft, Santa Clara, CA 48 pages total.	
	BC	WELCH et al., "A Resilient Application-Level Failure Detection System for Distributed Computing Environments," <i>Computers and Communications</i> (1995) IEEE Symposium on 27-29 Jun 1995-96.	

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.